

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

BRIAN ANTHONY GILBERT,

Defendant

CRIMINAL NO. PWG-20-374

CONSENT MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

Comes now the United States of America, by and through its counsel, Robert K. Hur, the United States Attorney for the District of Maryland, and Leah B. Grossi, Assistant United States Attorney for said district, and with the consent of counsel for the Defendant, respectfully submits this Consent Motion to Exclude Time Under the Speedy Trial Act.

1. On November 2, 2020, a nine-count indictment was returned against the Defendant, Brian Anthony Gilbert, for Production of Child Pornography, in violation of 18 U.S.C. § 2251(a), Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), and Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B). ECF No. 1.

2. The Defendant's initial appearance on the indictment was held on November 16, 2020. ECF No. 5. At that time, the Defendant consented to detention and was ordered detained pending trial.

3. The Government has provided voluminous discovery to the Defendant's counsel pursuant to a protective order in this case. The parties have also sat down for an in-person evidence review of the child pornography that the Defendant is charged with producing, distributing, and possessing.

4. On December 2, 2020, the Government submitted a Consent Motion to Exclude Time Under the Speedy Trial Act from December 1, 2020 through February 7, 2021. ECF No. 14. The Court granted the motion on December 3, 2020. ECF No. 16.

5. On December 28, 2020, the parties held their first status conference in this case. At that status conference, the parties jointly asked the Court for more time to review the discovery and discuss a possible resolution in this case. The Court set in another status conference for March 1, 2021 at 12:30 PM.

6. The Speedy Trial Act provides that the trial of the Defendant shall commence within seventy days “from the filing date (and making public) of the information or indictment.” 18 U.S.C. § 3161(c)(1). However, pursuant to 18 U.S.C. § 3161(h)(7)(A), any delay resulting from a continuance is excluded for speedy trial purposes if based on a finding that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial.

7. The circumstances of this case require a continuance under the Speedy Trial Act. Due to the COVID-19 pandemic and technical issues, the Defendant’s counsel has not been able to meet with the Defendant on a regular basis. The parties would also like more time to discuss a possible resolution in this case.

WHEREFORE, with the consent of counsel for the Defendant, counsel for the Government requests that the Court exclude all time, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), between February 7, 2021 through March 1, 2021 under the Speedy Trial Act.

Respectfully submitted,

Robert K. Hur
United States Attorney
District of Maryland

By: _____ /s/
Leah B. Grossi
Assistant United States Attorney
United States Attorney's Office
District of Maryland